

**To:** Froikin, Sara[Froikin.Sara@epa.gov]  
**From:** McClintock, Katie  
**Sent:** Thur 2/25/2016 4:17:47 PM  
**Subject:** FW: Region 10 glass facility issue

**From:** Throwe, Scott  
**Sent:** Tuesday, February 23, 2016 9:10 AM  
**To:** McClintock, Katie <McClintock.Katie@epa.gov>  
**Cc:** Yellin, Patrick <Yellin.Patrick@epa.gov>  
**Subject:** RE: Region 10 glass facility issue

## Ex. 5 - Deliberative Process

I'm happy to talk further.

Scott Throwe

U.S. EPA

Office of Enforcement and Compliance Assurance

Office of Compliance

Phone: 202-564-7013

**From:** McClintock, Katie  
**Sent:** Tuesday, February 23, 2016 10:22 AM  
**To:** Throwe, Scott <[Throwe.Scott@epa.gov](mailto:Throwe.Scott@epa.gov)>  
**Subject:** RE: Region 10 glass facility issue

# Ex. 5 - Deliberative Process

Let me know how it goes with Ed.

**From:** Throwe, Scott  
**Sent:** Tuesday, February 23, 2016 5:17 AM  
**To:** McClintock, Katie <[McClintock.Katie@epa.gov](mailto:McClintock.Katie@epa.gov)>  
**Subject:** RE: Region 10 glass facility issue

Katie: I'm running Jon's issues by Ed Messina to get his take on this as well.

## Ex. 5 - Deliberative Process

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# Ex. 5 - Deliberative Process

Your thoughts?

-

Scott Throwe

U.S. EPA

Office of Enforcement and Compliance Assurance

Office of Compliance

Phone: 202-564-7013

**From:** McClintock, Katie

**Sent:** Tuesday, February 23, 2016 12:54 AM

**To:** Averbach, Jonathan <[Averbach.Jonathan@epa.gov](mailto:Averbach.Jonathan@epa.gov)>; Throwe, Scott <[Throwe.Scott@epa.gov](mailto:Throwe.Scott@epa.gov)>

**Cc:** Narvaez, Madonna <[Narvaez.Madonna@epa.gov](mailto:Narvaez.Madonna@epa.gov)>; Fairchild, Susan <[Fairchild.Susan@epa.gov](mailto:Fairchild.Susan@epa.gov)>; Yellin, Patrick <[Yellin.Patrick@epa.gov](mailto:Yellin.Patrick@epa.gov)>; Barnett, Keith <[Barnett.Keith@epa.gov](mailto:Barnett.Keith@epa.gov)>; Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>; Matthews, Julie <[Matthews.Juliane@epa.gov](mailto:Matthews.Juliane@epa.gov)>

**Subject:** RE: Region 10 glass facility issue

Jon –

Thank you for taking the time to walk through your thought process. That is very helpful for me. I am not sure the next steps on this, but I went ahead and noted a few answers to your questions below.

## Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

Katie

Attorney-client communication/deliberative process – do not release

**From:** Averback, Jonathan

**Sent:** Monday, February 22, 2016 3:16 PM

**To:** Throwe, Scott <[Throwe.Scott@epa.gov](mailto:Throwe.Scott@epa.gov)>

**Cc:** Narvaez, Madonna <[Narvaez.Madonna@epa.gov](mailto:Narvaez.Madonna@epa.gov)>; McClintock, Katie <[McClintock.Katie@epa.gov](mailto:McClintock.Katie@epa.gov)>; Fairchild, Susan <[Fairchild.Susan@epa.gov](mailto:Fairchild.Susan@epa.gov)>; Yellin, Patrick <[Yellin.Patrick@epa.gov](mailto:Yellin.Patrick@epa.gov)>; Barnett, Keith <[Barnett.Keith@epa.gov](mailto:Barnett.Keith@epa.gov)>; Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>; Matthews, Julie <[Matthews.Juliane@epa.gov](mailto:Matthews.Juliane@epa.gov)>

**Subject:** RE: Region 10 glass facility issue

Attorney Client communication / deliberative process – do not release

# Ex. 5 - Attorney Client

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**Ex. 5 - Attorney Client**

## Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

Jon Averbach - Sr Attorney - EPA/OGC/ARLO - 202-564-1064

**From:** Throwe, Scott

**Sent:** Thursday, February 18, 2016 3:30 PM

**To:** Averbach, Jonathan <[Averbach.Jonathan@epa.gov](mailto:Averbach.Jonathan@epa.gov)>

**Cc:** Narvaez, Madonna <[Narvaez.Madonna@epa.gov](mailto:Narvaez.Madonna@epa.gov)>; McClintock, Katie <[McClintock.Katie@epa.gov](mailto:McClintock.Katie@epa.gov)>; Fairchild, Susan <[Fairchild.Susan@epa.gov](mailto:Fairchild.Susan@epa.gov)>; Yellin, Patrick <[Yellin.Patrick@epa.gov](mailto:Yellin.Patrick@epa.gov)>

**Subject:** Region 10 glass facility issue

**Importance:** High

Jon:

# Ex. 5 - Attorney Client

Here is some of the key language in Subpart 6S

(a) This subpart applies to each existing or new affected glass melting furnace that is located at a glass manufacturing facility and satisfies the requirements specified in paragraphs (a)(1) through (3) of this section.

(1) The furnace is a continuous furnace, as defined in §63.11459.

*Continuous furnace* means a glass manufacturing furnace that operates continuously except during periods of maintenance, malfunction, control device installation, reconstruction, or rebuilding.

Scott Throwe

U.S. EPA

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